

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 1420 of 1997

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 : NO

NARENDRA NARANDAS SHETH

Versus

REGIONAL TRANSPORT OFFICER

Appearance:

MR JASHBHAI P PATEL for Petitioner
MR SR DIVETIA APP for Respondent No. 2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 22/06/98

ORAL JUDGEMENT

Heard learned advocate Mr. J.P Patel for the petitioner.

2. Petitioner is the owner of a vehicle being Omni Bus bearing registration No. GJ-1-V-9932. It appears that the petitioner failed to pay tax and a notice dated

29th December, 1997 for recovery of composite tax of Rs. 5,53,919/- was issued upon the petitioner. The petitioner, however, failed to pay the outstanding amount of tax and the vehicle was therefore seized by the concerned Regional Transport Office. Feeling aggrieved, the petitioner has preferred this petition and has prayed for release of his vehicle bearing above referred registration number and for compensation for monetary loss suffered by him on account of seizure and for exemplary costs. By an order made by this Court on 29th January, 1998, the vehicle bearing above registration number has been released on terms and conditions mentioned in the said order. Mr. Patel, however, has submitted that the petitioner is entitled to compensation for monetary loss suffered by him and also the exemplary costs. He further stated that the act of seizure by the respondents-authorities was without the authority of law and the respondents-authorities cannot claim sovereignty to defend the claim for compensation made by the petitioner. Be that as it may, the question of compensation cannot be considered by this Court in a petition filed under Article 226 of the Constitution. The petitioner may pursue remedy that may be available to him and claim compensation. No other relief is prayed for in this petition. Petition is, therefore, dismissed. Rule is discharged.

Prakash*